

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.23112 of 2005

Date:16.11.2005

P.Rajender Kumar.

-----Petitioner

The Depot Manager, APSRTC.

-----Respondent

ORDER:

The petitioner is employed as a Conductor in A.P.S.R.T.C. He has fallen sick for the period from 26.10.2002 to 27.01.2003. He claims to have made application for grant of leave. The respondent herein passed two orders, dated 27.12.2002 and 10.11.2003. Through the first order, the punishment of stoppage of annual increment for a period of one year without cumulative effect was imposed, on the allegation that the petitioner remained absent for the period from 22.10.2002 to 08.11.2002. Through the second order, he imposed the penalty of stoppage of annual increment for a period of two years with cumulative effect, on the allegation that the petitioner remained unauthorisedly absent for the period from 09.11.2002 to 04.01.2003. The petitioner contends that the period of absence was continuous and that there was no justification for the respondent in splitting the period and passing separate orders of punishment. It is also contended that the punishment of stoppage of increment with cumulative effect could not have been imposed, without conducting departmental enquiry.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

It is true that the Medical Certificate issued by the concerned Medical Officer discloses that the period of sickness of the petitioner was a spell from 26.10.2002 to 27.01.2003 and there was no break. In such an event, the entire

period ought to have been treated as one unit. In case, the respondent intended to impose any punishment of stoppage of increments with cumulative effect, he ought to have conducted a departmental enquiry, since it amounts to inflicting a major punishment. These, however, are the matters, which need verification of record. The petitioner can avail the remedy of appeal before the Divisional Manager.

Hence, the Writ Petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal before the concerned Divisional Manager. In case the appeals are presented within four weeks from today, they shall be treated as having been filed within the period of limitation. The appellate authority shall pass appropriate orders thereon, taking into account the relevant facts and provisions of law. There shall be no order as to costs.

16.11.2005

Jsu